

**DECISION**



20007 *Maria*  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

FILE: B-205375

DATE: November 10, 1981

MATTER OF: Drinkwater Engineering, Inc.

**DIGEST:**

Protest filed more than ten working days after basis of protest was known is untimely and not for consideration on merits.

Drinkwater Engineering, Inc. protests the award of a contract under solicitation No. R6-3-81-115N issued by the Forest Service for a Q-C "P" line survey.

Drinkwater's proposal was rejected even though it offered the lowest cost because it was found to be technically unacceptable. Drinkwater's president met with the contracting officer on September 22, 1981, to discuss the reasons for the finding of technical unacceptability. At that time, the protester was informed that the primary deficiency found in its proposal was a lack of experience in performing surveys in rugged areas, such as in the subject survey, and a lack of experience on previous Forest Service projects. Drinkwater takes issue with the basis for this determination.

Our Bid Protest Procedures, at 4 C.F.R. § 21.2(b)(2) (1981), require that protests be filed within ten working days after the basis of protest is known or should have been known. In this case, it is apparent that Drinkwater was informed of the reasons for rejection of its proposal when it met with the contracting officer on September 22, 1981. Drinkwater's protest was not filed here, however, until November 2, 1981. Consequently, the protest is untimely and will not be considered on the merits.

The protest is dismissed.

*F.H. Barclay*  
for Harry R. Van Cleve  
Acting General Counsel

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